



January 2014

Summary of H.R. 2279

REDUCING EXCESSIVE DEADLINE OBLIGATIONS ACT OF 2013

Committee on Energy and Commerce, Democratic Staff

H.R. 2279 would weaken the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA), also known as Superfund. The bill is a compilation of three separate bills, reported by the Energy and Commerce Committee on party-line votes: H.R. 2279, H.R. 2226 and H.R. 2318. This anti-environment legislation would reduce the number of Superfund cleanups accomplished each year and allow polluters to escape responsibility for the pollution they have caused.

The bill lets polluters off the hook. Title I is comprised of the text of H.R. 2279. Under current law, the Environmental Protection Agency (EPA) is required to set financial responsibility requirements for the hardrock mining industry and other industries at high risk of creating Superfund sites. These requirements will mandate that companies obtain insurance or post bonds to ensure that sites will be cleaned up if they are contaminated. Congress required EPA to establish financial responsibility requirements to ensure that taxpayers do not have to pay for the cost of cleaning up contaminated sites. According to GAO, "implementing the requirement could help avoid the creation of additional Superfund sites and could provide funds to help pay for cleanups."

Title I would bar EPA from enforcing financial responsibility requirements in any state that sets its own standards, regardless of whether the state standards are adequate to protect federal taxpayers. The only exception to this is the possibility of a Presidential waiver, but the Department of Justice believes that this provision is unworkable. This title also repeals a law requiring EPA to periodically review regulations governing the handling and disposal of hazardous waste.

The bill reduces the amount of federal taxpayer dollars available to cleanup Superfund sites.

Title II is the text of H.R. 2226. Under current law, the states are free to conduct their own clean-ups of contaminated sites. When a site becomes a federal clean-up responsibility, Superfund provides for a meaningful role for states, but also requires states to contribute 10% of the cleanup cost. Title II would reduce the amount of funding that states are required to contribute by allowing in-kind contributions to count towards the 10%. Under this proposal, a state's oversight expenses and the expense of conducting time-sensitive removal actions could satisfy the 10% requirement, even though federal expenditures for the same expenses would not count toward the federal share. This could reduce the amount of cleanups that can be funded each year.

The bill wastes limited resources and delays clean ups. Title III contains the text of H.R. 2318. It makes significant changes to the law governing cleanup of contaminated federal sites. Under current law, contaminated federal sites that are designated as Superfund sites are subject to the Superfund law. Generally, contaminated federal sites that are not designated as Superfund sites are subject to state clean-up requirements today. Additionally, the federal government contributes its fair share to clean up contaminated sites it no longer owns just as any other potentially responsible party does. Title III would give the states authority over federal Superfund sites, potentially creating conflicts between the federal requirements and state requirements. In addition, it would subject federal employees to fines or imprisonment for failing to comply with a state-issued injunctive order even if the order directly conflicts with federal law. The effect of the bill, according to the Department of Defense, would be to disrupt the national priority scheme in which the most contaminated federal sites are cleaned up first, increase litigation, delay cleanups, and waste limited resources.